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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,302	12/28/2004	Frederic Pasquier	PF030100	1438

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Robert D. Shedd, Patent Operations
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EXAMINER

BEHARRY, NOEL R

ART UNIT	PAPER NUMBER
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2478

MAIL DATE	DELIVERY MODE
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01/28/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,302	PASQUIER ET AL.	
	Examiner	Art Unit	
	NOEL BEHARRY	2478	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-28 and 30-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-28 and 30-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/21/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/13/2010 has been entered. Claims 23-26, 30, 31, 33, 34, 37, and 47-52 have been amended and claim 29 have been cancelled. Claims 23-28 and 30-52 are subject to examination.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 23, 24, 34, 37-52** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ludvig** et al. (**Ludvig** hereafter) (US 2003/0233451 A1).

Regarding claim 23, 39, 42, 45, 47 and 50, Ludvig teaches,

recognition unit comprising a processor for executing instructions for recognizing audiovisual portions of audiovisual content of at least one audiovisual programme received, said audiovisual portions serving as synchronization signals, each of said audiovisual portions of audiovisual content consisting of at least one of the following audiovisual portions: a picture, a piece of a picture, a sound and any combination of at least two of said audiovisual portions, and said audiovisual programme, being audio and/or video, comprising an audiovisual content intended to be transmitted to users (**Ludvig; Par. 00154-0156**), said recognition unit comprising:

a reception module and a recording module for recording in a storage space, recognition elements making it possible to obtain at least one extracted audiovisual portion of the audiovisual content of said audiovisual programme, said recognition elements including audiovisual portions of audiovisual content (**Ludvig; Par. 0156**),

a reception module for receiving via a broadcasting network, at least one transmitted stream carrying said audiovisual programme (**Ludvig; Par. 00154-0156**),

a detection module for detecting said synchronization signals in said audiovisual programme received said detection being done without any modification being made to said at least one audiovisual programme, by means of said recognition elements stored

Art Unit: 2478

in said storage space, by recognition in the audiovisual content of said audiovisual programme received, of said extracted audiovisual portion (**Ludvig; Par. 00154-0156**),

and a transmission module for transmitting action instructions in case of detection of said synchronization signals in said audiovisual programme, said instructions being designed so as to trigger at least one action (**Ludvig; Par. 0020 - 0021 & Par. 0156**),

wherein the module for receiving the recognition elements is designed to receive among said recognition elements, instructions for extracting said extracted audiovisual portion from at least one stream of an audiovisual programme previously received by the stream reception module, said audiovisual portion being extracted from said audiovisual programme previously received, and in that said recording module is designed to directly extract said audiovisual portion of said stream according to said extraction instructions and to record the said audiovisual portion in the storage space. (**Ludvig; Par. 00154-0156**)

Regarding claim 24, Ludvig teaches,

wherein the module for receiving the recognition elements is designed to receive a triggering message and in that the recording module is designed to extract and record upon receipt of said triggering message, said audiovisual portion of said previously received stream. (**Ludvig; Par. 0020-0021 & Par. 0156**)

Regarding claim 34, 38, 41, 44, 48 and 51, Ludvig teaches,

specification unit comprising a processor for executing instructions for specifying audiovisual portions of audiovisual content of at least one audiovisual programme serving as synchronization signals associated with said at least one audiovisual programme, each of said audiovisual portions of audiovisual content consisting of at least one of the following audiovisual portions: a picture, a piece, a piece of a picture, a sound and any combination of at least two of said audiovisual portions, and said audiovisual programme, being audio and/or video, comprising an audiovisual content intended to be transmitted to users, and said synchronization signals being intended to be detected in at least one transmitted stream carrying said audiovisual programme transmitted via a broadcasting network and thus to trigger at least one action, **(Ludvig; Par. 00154-0156)**

wherein said specification unit comprises:

a preparation module for preparing recognition elements making it possible to obtain said at least one extracted audiovisual portion of the audiovisual content of said audiovisual programme, said recognition elements including audiovisual portions of audiovisual content **(Lugvig; Par. 0154)**,

and a transmission module for transmitting said recognition elements independently of transmissions of said audiovisual programme, to at least one recognition unit intended to detect said synchronization signals in said transmitted stream carrying said audiovisual programme, said detection being done without any modification being made to said at least one audiovisual programme, by recognizing

Art Unit: 2478

said extracted audiovisual portion in the audiovisual content of said audiovisual programme, **(Ludvig; Par. 00154-0156 & Par. 0021)**

and wherein the preparation and transmission modules of said unit are designed respectively to prepare and transmit extraction instructions, in at least one stream of an audiovisual programme previously received by the recognition unit via the broadcasting network, for extracting said audiovisual portion of audiovisual content, said audiovisual portion being extracted from said audiovisual programme previously received. **(Ludvig; Par. 00154-0156)**

Regarding claim 37, 40, 43, 46, 49 and 52, Ludvig teaches,

synchronization system including a processor for executing instructions comprising:

a specification unit for specifying audiovisual portions of audiovisual content of at least one audiovisual programme received, said audiovisual portions serving as synchronization signals, each of said audiovisual portions of audiovisual content consisting of at least one of the following audiovisual portions: a picture, a piece of a picture, a sound and any combination of at least two of said audiovisual portions, and said audiovisual programme, being audio and/or video, comprising an audiovisual content intended to be transmitted to users, **(Ludvig; Par. 00154-0156)**

a recognition unit for recognizing said synchronization signals in at least one transmitted stream carrying said audiovisual programme transmitted via a broadcasting network, by recognition of at least one extracted audiovisual portion of the audiovisual

Art Unit: 2478

content of said audiovisual programme, in the audiovisual programme received,

(Ludvig; Par. 00154-0156)

and an activation unit designed to trigger at least one action in the case of detection of said synchronization signals by the recognition unit, said detection being done without any modification being made to said at least one audiovisual programme, said detection being done through recognition in said at least one audiovisual programme received of said at least one extracted audiovisual portion, **(Ludvig; Par. 0156)**

wherein the specification unit is designed to prepare and transmit to the recognition unit recognition elements making it possible to obtain said extracted audiovisual portion and comprising instructions for extracting said audiovisual portion of the audiovisual content from at least one stream of an audiovisual programme previously received by the recognition unit via the broadcasting network, said recognition elements including audiovisual portions of audiovisual content **(Ludvig; Par. 00154-0156)**, said audiovisual portion being extracted from said audiovisual programme previously received, and in that the recognition unit is designed to directly extract said audiovisual portion of said stream according to said extraction instructions and to record said audiovisual portion. **(Ludvig; Par. 00154-0156)**

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 25-28, 31-33, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ludvig** in view of **Hoffberg** et al. (**Hoffberg** hereafter) (US 5,920,477) (Applicant's IDS dated 12/28/2004).

Regarding claim 25, **Ludvig** fails to explicitly teach,

wherein the module for receiving the recognition elements is also designed to receive among said recognition elements, at least one identifier of said extracted audiovisual portion, and in that said detection module is capable of retrieving from the storage space said previously recorded extracted audiovisual portion associated with said identifier, so as to recognize in the audiovisual content of said audiovisual programme received said extracted audiovisual portion.

However, **Hoffberg** teaches,

wherein the module for receiving the recognition elements is also designed to receive among said recognition elements, at least one identifier of said extracted audiovisual portion, and in that said detection module is capable of retrieving from the storage space said previously recorded extracted audiovisual portion associated with

Art Unit: 2478

said identifier, so as to recognize in the audiovisual content of said audiovisual programme received said extracted audiovisual portion. **(Hoffberg; assigning identifiers to corresponding ones of the mapped ranges, each of the identifiers specifying for the corresponding mapped range a procedure and a address of the corresponding subset of the stored image data, Col 28, Lines 37-41)**

It would have been obvious to one of ordinary skilled in the art at the time of the invention to create the invention of **Ludvig** to include the above recited limitations as taught by Hoffber in order to located the stored image data **(Hoffberg; Col 28, Lines 37-41)**.

Regarding claim 26, Ludvig - Hoffberg teaches,

wherein the module for receiving the recognition elements is also designed to receive directly the said extracted portion among the said recognition elements and the recording module is designed to record the said extracted portion in the storage space. **(Hoffberg; the VCR will monitor the channel for the code transmission and begin recording when the code is received, Col 21, Lines 53-60)**

Regarding claim 27, Ludvig - Hoffberg teaches,

wherein the recognition unit also comprises a timeout module before dispatch of said action instructions by the transmission module. **(Hoffberg; may incorporate a delay, Col 45, Lines 12-26)**

Art Unit: 2478

Regarding claim 28, Ludvig - Hoffberg teaches,

wherein the modules for receiving and for recording recognition elements and the module for transmitting action instructions are designed to respectively receive, record and transmit identifiers relating to the said actions to be triggered. **(Hoffberg; Col 21, Lines 53-60)**

Regarding claim 31, Ludvig - Hoffberg teaches,

wherein said recognition elements include at least one time information item, said detection module being designed to detect said portions of content in conjunction with said time information item and the transmission module being designed to transmit said action instructions in case of such detection. **(Hoffberg; the user would be prompted to explicitly choose the program sequence by day, time, channel, and duration, Col 67, Lines 61-66)**

Regarding claim 32, Ludvig - Hoffberg teaches,,

wherein said time information item comprises at least one information item chosen from among a date of detection and a detection time slot. **(Hoffberg; the user would be prompted to explicitly choose the program sequence by day, time, channel, and duration, Col 67, Lines 61-66)**

Regarding claim 33, Ludvig - Hoffberg teaches,

Art Unit: 2478

wherein said recognition elements include at least one channel reference, said detection module being designed to detect said portions of content in conjunction with said channel reference and the transmission module being designed to transmit said action instructions in case of such detection. **(Hoffberg; the user would be prompted to explicitly choose the program sequence by day, time, channel, and duration, Col 67, Lines 61-66)**

Regarding claim 35, Ludvig - Hoffberg teaches,

wherein the preparation and transmission modules of said unit are designed respectively to prepare and transmit identifiers relating to said actions to be triggered in the case of detection of said synchronization signals. **(Hoffberg; the user need only enter the code for the program, and the VCR will monitor the channel for the code transmission and begin recording when the code is received, Col 21, Lines 53-60 & assigning identifiers to corresponding ones of the mapped ranges, each of the identifiers specifying for the corresponding mapped range a procedure and a address of the corresponding subset of the stored image data, Col 28, Lines 37-41)**

Regarding claim 36, Ludvig - Hoffberg teaches,

wherein said action identifiers relate to at least one of the following actions: transmission of an interactive service, triggering of an interactive service, triggering of an update of an interactive service, triggering of a recording of said audiovisual

Art Unit: 2478

programme and connection to a website. (**Hoffberg; the VCR will monitor the channel for the code transmission and begin recording when the code is received, Col 21, Lines 53-60**)

7. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ludvig - Hoffberg** in view of **Solvason** (WO 02/21840 A2) (Applicant's IDS dated 12/28/2004).

Regarding claim 30, Ludvig - Hoffberg teaches,

said detection module being designed to detect at least two of said portions of content and the transmission module being designed to transmit said action instructions in case of such detection (**Ludvig; Par. 0154-0156**).

Ludvig - Hoffberg fails to explicitly teach,

wherein said recognition elements include at least one Boolean operator.

However, **Solvason** teaches,

wherein said recognition elements include at least one Boolean operator. (**Page 10, Lines 22-Page 11, Lines 8**)

It would have been obvious to one of ordinary skilled in the art at the time of the invention to create the invention of **Ludvig - Hoffberg** to include the above recited limitations as taught by **Solvason** in order to define multiple recognition elements for the same element with different actions having different criteria (**Solvason; Page 11, Lines 2-4**).

Conclusion

Examiner's Note: Examiner has pointed out particular reference contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOEL BEHARRY whose telephone number is (571)270-5630. The examiner can normally be reached on M-T 10am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on 571-272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/521,302

Page 14

Art Unit: 2478

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/N. B./

Examiner, Art Unit 2478

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2478